

PTO/SB/05 (4/98)

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Approved for use through 09/30/2000. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# UTILITY PATENT APPLICATION TRANSMITTAL

460-001 Cont. IV Attorney Docket No. First Inventor or Application Identifier Hon et al.

Express Mail Label No. |EL668226817US (Only for new nonprovisional applications under 37 C.F.R. § 1.53(b)

APPLICATION ELEMENTS See MPEP chapter 600 concerning utility patent application contents.	Assistant Commissioner for Patents ADDRESS TO: Box Patent Application					
* Fee Transmittal Form (e.g., PTO/SB/17)	Washington, DC 20231					
(Submit an original and a duplicate for fee processing)	5. Microfiche Computer Program (Appendix)					
2. Specification [Total Pages ] (preferred arrangement set forth below)	Nucleotide and/or Amino Acid Sequence Submission     (if applicable, all necessary)					
- Descriptive title of the Invention	a. Computer Readable Copy					
<ul> <li>Cross References to Related Applications</li> <li>Statement Regarding Fed sponsored R &amp; D</li> </ul>	b. Paper Copy (identical to computer copy)					
- Reference to Microfiche Appendix	c. Statement verifying identity of above copies					
- Background of the Invention	ACCOMPANYING APPLICATION PARTS					
<ul> <li>Brief Summary of the Invention</li> </ul>						
<ul> <li>Brief Description of the Drawings (if filed)</li> </ul>	7. Assignment Papers (cover sheet & document(s)) 37 C.F.R.§3.73(b) Statement Power of					
- Detailed Description	8. (when there is an assignee) Attorney					
- Claim(s)	9. English Translation Document (if applicable)					
- Abstract of the Disclosure 3 Drawing(s) (35 U S C. 113) [Total Sheets ]	10. Information Disclosure Copies of IDS Statement (IDS)/PTO-1449 Citations					
4. Oath or Declaration [Total Pages ]	11. Preliminary Amendment					
a. Newly executed (original or copy)	Return Receipt Postcard (MPEP 503)					
Copy from a prior application (37 C.F.R. § 1.63	(Should be specifically itemized)					
b. Copy from a prior application (37 C.F.R. § 1.63 (for continuation/divisional with Box 16 completed)	13. Statement(s) Statement filed in prior application,					
i. DELETION OF INVENTOR(S) Signed statement attached deleting	(PTO/SB/09-12) Status still proper and desired					
inventor(s) named in the prior application	14. Certified Copy of Priority Document(s) (if foreign priority is claimed)					
see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b)						
* NOTE FOR ITEMS 1 & 13: IN ORDER TO BE ENTITLED TO PAY SMALL ENTIT						
FEES, A SMALL ENTITY STATEMENT IS REQUIRED (37 C.F.R. § 1.27), EXCEP IF ONE FILED IN A PRIOR APPLICATION IS RELIED UPON (37 C.F.R. § 1.28).						
16. If a CONTINUING APPLICATION, check appropriate box, and	supply the requisite information below and in a preliminary amendment:					
Continuation Divisional Continuation-in-part	00 01 0 0 0					
Prior application information: Examiner J. Kerr	Group / Art Unit: 1633					
For CONTINUATION or DIVISIONAL APPS only: The entire disclosure	e of the prior application, from which an oath or declaration is supplied					
reference. The incorporation can only be relied upon when a portion	nying continuation or divisional application and is hereby incorporated by has been inadvertently omitted from the submitted application parts.					
17. CORRESPOND						
Customer Number or Bar Code Label 001	or   Correspondence address below					
(Insert Customer No. or A	ttach bar code label here)					
.,						
Name						
Address						
City State	Zip Code					
Country Telephone	859/ 252-0889					
Name (Print/Type)  J. W. Sganor, D.V.M.  Registration No. (Attorney/Agent)  40,804  Signature  Date November 30 3000						
Signature I.W. Leann DVW	Date November 20 2000					

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

PTO/SB/17 (6/99)

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Patent fees are subject to annual revision. Small Entity payments <u>must</u> be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12.

See 37 C.F.R. §§ 1.27 and 1.28.

TOTAL AMOUNT OF PAYMENT (\$)

Complete if Known				
Application Number				
Filing Date				
First Named Inventor	David N.S. Hon			
Examiner Name	J. Kerr			
Group / Art Unit	1633			
Attorney Docket No.	460-001 Cont. IV			

METHOD OF PAYMENT (check one)	FEE CALCULATION (continued)					
The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:	3. ADDITIONAL FEES Large Entity Small Entity Fee					
Deposit Account Number 11-0978	Code (\$) Code (\$)  105 130 205 65 Surcharge - late filing fee or oath	Fee Paid				
Deposit Account	127 50 227 25 Surcharge - late provisional filing fee or cover sheet.					
Name	139 130 139 130 Non-English specification					
2. Payment Enclosed: Check Money Other	147 2,520 147 2,520 For filing a request for reexamination					
Older D Sales	112 920* 112 920* Requesting publication of SIR prior to Examiner action					
Charge any additional fee required under 37 CFR Sections     116 and 1.17 or credit any overpayment to the above-listed deposit account.	113 1,840* 113 1,840* Requesting publication of SIR after Examiner action					
FEE CALCULATION	115 110 215 55 Extension for reply within first month					
1. BASIC FILING FEE	116 390 216 195 Extension for reply within second month					
Large Entity Small Entity	117 890 217 445 Extension for reply within third month					
Fee Fee Fee Fee Description Code (\$) Code (\$) Fee Paid	118 1,390 218 695 Extension for reply within fourth month					
101 710 0010 (4)	128 1,890 228 945 Extension for reply within fifth month					
101 710 201 355 Utility filing fee 355 106 320 206 160 Design filing fee	119 310 219 155 Notice of Appeal	<u> </u>				
107 490 207 245 Plant filing fee	120 310 220 155 Filing a brief in support of an appeal					
108 710 208 355 Reissue filing fee	121 270 221 135 Request for oral hearing	<u> </u>				
114 150 214 75 Provisional filing fee	138 1,510 138 1,510 Petition to institute a public use proceeding	<b></b>				
0	140 110 240 55 Petition to revive - unavoidable					
SUBTOTAL (1) (\$) 355	141 1,240 241 620 Petition to revive - unintentional					
2. EXTRA CLAIM FEES Fee from	142 1,240 242 620 Utility issue fee (or reissue)					
Extra Claims below Fee Paid	143 440 243 220 Design issue fee					
Total Claims 7 -20** = 0 X = = = = = = = = = = = = = = = = =	144 600 244 300 Plant issue fee					
Claims L31-3-LU1^L 1	122 130 122 130 Petitions to the Commissioner					
Multiple Dependent = =	123 50 123 50 Petitions related to provisional applications					
**or number previously paid, if greater, For Reissues, see below	126 240 126 240 Submission of Information Disclosure Stmt					
Large Entity Small Entity Fee Fee Fee Fee Fee Description Code (\$) Code (\$)	581 40 581 40 Recording each patent assignment per property (times number of properties)					
103 18 203 9 Claims in excess of 20	146 710 246 345 Filing a submission after final rejection (37 ČFR § 1.129(a))					
102 80 202 40 Independent claims in excess of 3	149 710 249 355 For each additional invention to be	<b></b>				
104 270 204 135 Multiple dependent claim, if not paid 109 80 209 40 ** Reissue independent claims	examined (37 CFR § 1.129(b))					
over original patent	Other fee (specify)					
110 18 210 9 ** Reissue claims in excess of 20 and over original patent	Other fee (specify)					
SUBTOTAL (2) (\$) 0	Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$)	0				
SUBMITTED BY Complete (if applicable)						
	Registration No. 40 004 T. 1 050105					

Name (Print/Type) J. William Seanor, D.V.M. 40,804 859/ 252-0889 (Attorney/Agent) Signature Date

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S.N.: NOT YET ASSIGNED

Docket No. 460-001 Continuation IV

Patent

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application

DAVID N. S. HON ET AL.

Serial No. **NOT YET ASSIGNED**  Group Art Unit:

1633

Filed: November 20, 2000

For: COMPOSITIONS OF OAK BARK

> EXTRACT RELATED SYNTHETIC COMPOSITIONS AND METHOD OF:

**USING SAME** 

### PRELIMINARY AMENDMENT

Commissioner of Patents and Trademarks Washington, DC 20231

Dear Sir:

The above-styled application is a continuation of prior application Serial Number: 08/947,055, filed on October 8, 1997 which is set to issue on November 21, 2000 as U.S. Patent Number 6,149,947. This application claims the benefit of priority, through copendency, of prior application Serial Number: 07/973,071, filed November 6, 1992, the status of which is now abandoned.

ľij.

### In the Claims

Please cancel claims 32-36 without prejudice.

Please add the following new claims 37-43 as follows:

- --37. A composition comprising from 40% to 80% by weight of solids of an aqueous oak bark extract.
- 38. The composition of claim 37, wherein the composition is useful for enhancing wound healing at a wound site via modulation of matrix metalloproteinase activity at the wound site.
- 39. A composition for enhancing wound healing at a wound site via modulation of matrix metalloproteinase activity at the wound site, comprising:

a pharmaceutically acceptable carrier; and

an active ingredient of inorganic solids comprising 10-80 parts by weight of potassium ions, 0.00001-20 parts by weight of zinc ions, 0.01-10 parts by weight of calcium ions and 1-40 parts by weight of rubidium ions.

40. The composition according to claim 39, wherein the rubidium ions comprise 1-30 parts by weight of the inorganic solids.

- 41. The composition according to claim 39, wherein said carrier is water.
- 42. The composition according to claim 39, wherein said carrier is cream based.
- 43. A method for enhancing wound healing at a wound site via modulation of matrix metalloproteinase activity at the wound site, comprising applying to the wound site an effective amount of a therapeutic composition comprising:

a pharmaceutically acceptable carrier; and

an active ingredient of inorganic solids comprising 10-80 parts by weight of potassium ions, 0.00001-20 parts by weight of zinc ions, 0.01-10 parts by weight of calcium ions and 1-40 parts by weight of rubidium ions.--

#### REMARKS

New claim 37 above is identical to non-elected claim 1 of the parent application Serial Number: 07/973,071, as set forth in the "Response to Restriction Requirement" filed on November 18, 1993.

New claims 38-43 are set forth herein to distinctly claim specific embodiments of the present invention directed compositions and methods for enhancing wound healing at a wound site via modulation of matrix metalloproteinase activity at the wound site. The Examiner is invited to contact the undersigned attorney directly if such contact will

enhance the efficient prosecution of the application to issue.

Respectfully submitted,

KING AND SCHICKLI

J.W. Leww DVM J.W. Seanor, D.V.M.

Registration No. 40,804

247 North Broadway Lexington, Kentucky 40507 (859) 252-0889

CERTIFICATE OF MAILING
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